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Attorneys for Defendant and
Counterclaim-Plaintiff Milk
Moovement, Inc. and Defendant
Milk Moovement LLC

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DAIRY, LLC, a Delaware Limited
Liability Company,

Plaintiff
vs.

MILK MOOVEMENT, INC., a foreign
Corporation, and MILK MOOVEMENT,
LLC, a Delaware Limited
Liability Company

Defendants.

MILK MOOVEMENT, INC., a foreign
Corporation,

Counterclaim-Plaintiff
vs.

DAIRY, LLC, a Delaware Limited
Liability Company,

Counterclaim-Defendant.

Case No. 2:21-cv-02233-WBS-AC

**[STIPULATED] ORDER RE:
REQUEST FOR ATTORNEYS FEES
AND COSTS**

1 WHEREAS, on April 27, 2022, Counterclaim-Plaintiff Milk
2 Moovement, Inc. filed an Answer and Counterclaims in this action
3 (Dkt. 79);

4 WHEREAS, on May 18, 2022, Plaintiff and Counterclaim-
5 Defendant Dairy, LLC filed a Motion to Dismiss and Motion to
6 Strike (Dkt. 83), which included a motion to strike Milk
7 Moovement, Inc.'s Eighth Counterclaim under California Code of
8 Civil Procedure Section 425.16(b);

9 WHEREAS, on July 1, 2022, the Court granted the Motion to
10 Strike Milk Moovement, Inc.'s Eighth Counterclaim with leave to
11 amend (Dkt. 105);

12 Whereas, on July 21, 2022, Milk Moovement, Inc. filed an
13 Answer and First Amended Counterclaims but declined to amend its
14 Eighth Counterclaim (Dkt. 111);

15 Whereas, California Code of Civil Procedure
16 Section 425.16(c) provides that "a prevailing defendant on a
17 special motion to strike shall be entitled to recover his or her
18 attorney's fees and costs;"

19 WHEREAS, the parties disagree on the amount of attorney's
20 fees and costs that are reasonable and appropriate, but in order
21 to avoid motion practice, the parties have agreed to stipulate
22 to a sum representing the recoverable attorney's fees and costs
23 for work moving to dismiss the Eighth Counterclaim and on Dairy,
24 LLC's Motion to Strike under California Code of Civil Procedure
25 Section 425.16(b), including the fees and costs related to
26 Dairy, LLC's anticipated request for fees and negotiation of
27 this Stipulation but excluding any fees and costs of defending
28 against any appeal.

1 THEREFORE, the parties, through their undersigned counsel,
2 and subject to the Court's approval, stipulate as follows:

3 Under the Court's Order, dated July 1, 2022, Dairy, LLC was
4 the prevailing party on its Motion to Strike Milk Moovement,
5 Inc.'s Eighth Counterclaim under California Code of Civil
6 Procedure Section 425.16(b);

7 Subject to the parties' reservation of rights reflected
8 herein, Dairy, LLC shall be awarded, and Milk Moovement, Inc.
9 agrees to pay, within ten business days of entry of this
10 Stipulation, the sum of \$34,000 as complete satisfaction of
11 Dairy, LLC's right to recover reasonable attorney's fees and
12 costs for work on Dairy, LLC's Motion to Strike under California
13 Code of Civil Procedure Section 425.16(b), including the motion
14 to dismiss the Eighth Counterclaim and fees associated with
15 Dairy's anticipated request for fees and this Stipulation;

16 Milk Moovement, Inc. reserves all rights to appeal the July
17 1, 2022, Order on the Motion to Dismiss and to Strike Milk
18 Moovement, Inc.'s Eighth Counterclaim (Dkt. 105) and this award
19 of attorney's fees and costs, including on jurisdictional
20 grounds and the applicability of California Code of Civil
21 Procedure Section 425.16 in federal court. However, Milk
22 Moovement, Inc. has agreed by this Stipulation to the amount of
23 any such award of attorney's fees and costs, as reflected
24 herein, should the Order be affirmed on any appeal;

25 Dairy, LLC reserves all rights to seek any additional fees
26 and costs incurred in connection with any appeal, for any
27 reason, by Milk Moovement, Inc. of the July 1, 2022 Order on the
28 Motion to Dismiss and to Strike Milk Moovement, Inc.'s Eighth

Counterclaim (Dkt. 105) and this award of attorney's fees and costs.

IT IS SO STIPULATED, through Counsel of Record.

Dated: August 19, 2022 /s/ Simona A. Agnolucci
Simona A. Agnolucci (authorized
August 19, 2022)


Counsel for Plaintiff and
Counterclaim-Defendant

Dated: August 19, 2022 /s/ Carla B. Oakley
Carla B. Oakley

Counsel for Defendant and
Counterclaim-Plaintiff

IT IS ORDERED that the forgoing Stipulation is approved.

Dated: August 23, 2022


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE